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OFFICE OF PETITIONS

In re Application of :
Feria et al. : LETTER REGARDING
Application No. 09/680,902 : PATENT TERM ADJUSTMENT
Filed: October 6, 2000 :
Atty Docket No. 10022/46 :
:

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed November 16, 2005, pursuant to applicants' duty of candor and good faith to the Office.

The request for recalculation of the initial determination of patent term adjustment (PTA) is **granted**. The determination of PTA at the time of the mailing of the Notice of Allowance is **FOUR HUNDRED THIRTY-SEVEN (437) days**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **FOUR HUNDRED THIRTY-SEVEN (437) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 7, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 478 days. Applicants filed the instant letter indicating that the patent term adjustment of 478 days may extend the term of this patent by too many days.

Applicants are correct. Pursuant to § 1.704(b), there should have been entered a period of reduction of 41 days for applicant

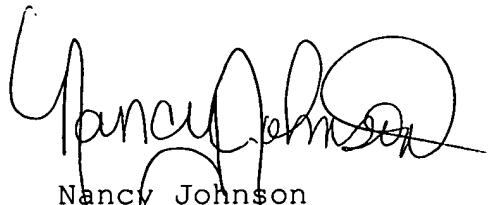
delay in responding to the Notice to File Missing Parts of Application mailed November 27, 2000. Applicants did not file a response until April 9, 2001, three months and 41 days later.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is **FOUR HUNDRED THIRTY-SEVEN (437) days.**

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Patent Publication for issuance of the application. The patent term adjustment indicated on the patent will include any additional PTA accrued for Office delay in issuing the patent pursuant to 37 CFR 1.702(a)(4) and 1.702(b).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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Office of Petitions

Enclosure: Copy of adjusted PAIR calculation